

Exhibit A



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1480
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Paper No. 10

CROWELL & MORING, L.L.P.
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

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AUG 15 2003

OFFICE OF PETITIONS

In re Application of
Mark Zoller, Xiaodong Li, Lena Staszewski,
Shawn O'Connell, Sergey Zozulya, Jon Adler,
Hong Xu and Fernando Echeverri
Application No. 10/179,373
Filed: June 26, 2002
Attorney Docket Number: P 0291566
Title of Invention: T1R
HETERO-OLIGOMERIC TASTE RECEPTORS
AND CELL LINES THAT EXPRESS SAID
RECEPTORS AND USE THEREOF FOR
IDENTIFICATION OF TASTE COMPOUNDS

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

#54074 us

This is in response to the renewed petition under 37 CFR 1.47(a), filed July 23, 2003.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration of Robin Teskin attest a copy of the application was sent to non-signing inventor's last known address and non-signing inventor's legal representative. Additional attempts to contact the non-signing inventors went unanswered. The non-signing inventor's failure to respond to the application sufficiently establishes that he refuses to execute the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 306-0251.

Charlema R. Grant
Petitions Attorney
Office of Petitions



#9

Attorney Docket: 100337/54074US
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MARK ZOLLER ET AL.

Serial No.: 10/179,373

Group Art Unit:

Filed: JUNE 26, 2002

Examiner:

Title: T1R HETER-OLIGOMERIC TASTE RECEPTORS AND CELL
LINES IDENTIFICATION OF TASTE COMPOUNDS

RENEWED PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This renewed petition is responsive to the Decision mailed on June 2, 2003. In this decision, the 37 CFR §1.147(a) petition submitted on January 15, 2003 was denied on the basis that insufficient evidence was provided in order to establish that the non-signing inventor was provided a copy of the as-filed application papers as required by 37 CFR §1.147(a)(1).

Therefore, Applicant provides herewith, as suggested in the Decision, a signed statement (Declaration) by the undersigned to establish that the non-signing inventor has been provided a copy of the as-filed application. This Declaration in combination with the prior Petition which is incorporated by reference in its entirety, and the exhibits thereto, is believed to establish that all the requirements of 37 CFR §1.47(a) have been satisfied including 37 CFR §1.47(a)(1) and that this

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Renewed Petition should therefore be granted. Particularly, Dr. Adler via his attorney was earlier provided a copy of the as-filed application (US Serial No. 10/179,373) on July 16, 2002, and was further provided a copy of all of the priority documents (which are identified in the Declaration, submitted with the present patent application on June 15, 2002 which was signed by all of the inventors except for Elliot Adler), via e-mail.

Also, as established by the Declaration by the undersigned, Elliot Adler, via his attorney, Ms. Marilynn Mika Spencer, was again provided a copy of the subject as-filed application, along with all of the priority documents which are cited in this application, as well as the Assignment and Declaration for this application via Federal Express on July 3, 2003. Additionally, a letter was sent requesting Dr. Adler and his attorney to send these documents to Applicants' counsel for filing in the patent office by July 20, 2003. However, to date, neither Applicant nor Applicants' counsel has received these signed documents or any other communication relating thereto from Dr. Adler or his attorney.


In fact, as indicated in the Declaration by the undersigned, since Dr. Adler terminated his employment with Senomyx, Inc. on May 10, 2002, neither Senomyx nor Senomyx' attorney have received any signed documents for any Senomyx patent applications for which Dr. Adler is an inventor, including the subject application. This is after we provided complete copies of the as-filed patent application, and relevant documents for signature to Dr. Adler via his attorney, Ms. Marilynn Mika

Spencer. Therefore, Applicant respectfully submit that the §1.47(a) Petition should be granted on the basis that applicant duly provided a complete copy of the above-identified patent application and formal papers associated therewith and Elliot Adler has refused to sign these documents.

If any issues remain outstanding, the Patent Office is respectfully requested to contact the undersigned so that prosecution may be expedited.

Respectfully submitted,

July 23, 2003



ROBIN L. TESKIN
Registration No.

CROWELL & MORING, LLP
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844

RLT:mld



Attorney Docket: 100337/54074US
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MARK ZOLLER ET AL.

Serial No.: 10/179,373

Group Art Unit:

Filed: JUNE 26, 2002

Examiner:

Title: T1R HETER-OLIGOMERIC TASTE RECEPTORS AND CELL
LINES IDENTIFICATION OF TASTE COMPOUNDS

Declaration by Robin L. Teskin

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I Robin L. Teskin, declare and state as follows:

1. That I am a registered patent attorney and act as outside patent counsel for Senomyx Inc. This includes the preparation of U.S., PCT and foreign patent applications and prosecution of these applications before the U.S. Patent and Trademark Office;

2. That in that capacity, I prepared the above-identified patent application;

3. That I provided a copy of the as-filed patent application to the inventors for review prior to filing via e-mail. Additionally, prior to filing of the above-identified patent application, I provided via e-mail a copy of all of the U.S.

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provisional and utility applications, as filed, that are relied on for priority status in the above-identified patent application.

4. That I am unable to provide proof of these e-mail transmissions because these communications were made at Pillsbury Winthrop LLP, whereas the prosecution of this and all other Senomyx patent applications has been transferred to Crowell & Moring, LLP. I was advised by Pillsbury Winthrop that they deleted my e-mail files after I left Pillsbury Winthrop on March 20, 2003;

5. That on July 3, 2002, I sent to Senomyx a copy of the above-identified patent application, as-filed, along with the accompanying Assignment and combined Declaration and Power of Attorney documents for review and execution by all of the inventors. This is evidenced by the memorandum sent to Senomyx dated July 3, 2002, from my patent files (Exhibit A);

6. That as indicated in the Declaration of Sherry Dollins, dated July 16, 2002, a number of patent documents were hand-delivered via Airborne Express to Elliot Adler on July 16, 2002. These hand-delivered documents included a complete copy of the above-identified application, as-filed (claims, specification, and figures). (This Airborne Express package, however, did not include a copy of the priority applications cited in the subject application.) However, as noted above, these earlier patent applications were provided to all of the inventors including Elliott Adler, prior to May 10, 2002, the date that Dr. Adler terminated his employment from Senomyx. It is my practice for all Senomyx applications filed to date,

including this application, to provide a copy of the as-filed application to the inventors via e-mail for review and final approval prior to filing.

7. That after the date that Dr. Adler terminated his employment, I sent to Dr. Adler, via his attorney, a number of patent applications, as-filed, and accompanying documents for signature. That to the present date, Dr. Adler has not signed a single patent document provided to him as of the date he terminated his employment with Senomyx, Inc. on May 10, 2002;

8. That as evidence of this fact, provided herewith is a letter dated May 27, 2003 by Mika Spencer, Dr. Adler's attorney (Exhibit B). The particular patent document which Ms. Spencer refers to in this letter, was sent to Dr. Adler, on March 10, 2003 via Airborne Express and included a copy of an as-filed application (10/191,058), along with the Declaration and Assignment documents;

9. That as indicated in Ms. Spencer's May 27, 2003 letter, Dr. Adler was provided patent documents (as-filed application, Declaration and Assignment relating to U.S. Serial No. 10/191,058) via Airborne Express. Dr. Adler was asked to return these signed documents to us no later than April 15, 2003 so that they could be timely filed in the Patent and Trademark Office;

10. That I was contacted by Ms. Spencer, Dr. Adler's attorney, by telephone on April 15, 2003, the date I requested receipt of the signed patent documents for U.S. Serial No. 10/191,058. She indicated to me in this telephone conversation that these signed documents or any other signed patent documents for patent applications in which Jon Elliot Adler is an inventor would not be provided until Dr.

Adler and Senomyx, Dr. Adler's previous employer, reached resolution on his compensation for review and execution of patent documents. Absent such agreement, Ms. Spencer advised that Dr. Adler would be unable to meet his contractual obligation (based on his prior employment agreement with Senomyx). That this is an accurate summary of the conversation is supported by the May 27, 2003 letter of Ms. Spencer (Exhibit B).


11. That further on July 3, 2003, I sent Dr. Adler's attorney, Ms. Marilyn Mika Spencer, a copy of the subject application, U.S. Serial No. 10/179,373, as-filed, along with the priority applications which are listed on the Declaration signed by all of the other inventors (which was submitted to the Patent Office with the Response to Missing Parts submitted on January 15, 2003). (See Exhibit C) That to date, neither I nor Senomyx have received the signed Declaration and Power of Attorney or the Assignment from Ms. Spencer or Elliot Adler. Rather, Dr. Adler continues to refuse to sign the patent documents for this application, even after he was again presented with a copy of the as-filed application, priority documents cited therein, and the Assignment and Declaration associated therewith.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false

statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

July 23, 2003



ROBIN L. TESKIN
Registration No. 35,030

CROWELL & MORING, LLP
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844

EXHIBIT A


PILLSBURY WINTHROP LLP

1600 TYSONS BOULEVARD MCLEAN, VA 22102 703.905.2000 F: 703.905.2500

MEMORANDUM
ATTORNEY-CLIENT PRIVILEGE

To: Sherry Dollins, Senior Paralegal
Senomyx, Inc.

From: Lisa Kraemer
Client Practice Liaison

LSK

Date: July 3, 2002

C/MP: 078003/0291566

Re: New U.S. Patent Application
to Zoller et al.
"T1R Hetero-Oligomeric Taste Receptors and Cell Lines that Express Said Receptors and
Use Thereof for Identification of Taste Compounds
Your Reference: (please provide)

Enclosed please find the following documents for your files:

1. a copy of the application as filed on June 26, 2002;
2. a Declaration/Power of Attorney for execution by the inventors; and
3. an Assignment for execution by the inventors.

We have not yet been informed of the assigned serial number. As soon as it is available, we will forward the information to you.

It will be necessary to have formal drawings prepared in anticipation of the Notice to File Missing Parts. It would be extremely helpful if original slides/graphs/photographs could be sent to us as soon as possible, either electronically or hard copy. We will then forward these materials to the draftsman and have the figures prepared.

If you have any questions, please do not hesitate to contact us.

Enclosures